



Edmonton Police Service

Committed to Policing Excellence



Professional Standards Branch 2016 Annual Report

March 2017

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Abbreviations

ASIRT	Alberta Serious Incident Response Team
EPC	Edmonton Police Commission
EPS	Edmonton Police Service
CPB	Community Policing Bureau
LERB	Law Enforcement Review Board
PA	<i>Police Act</i>
PSB	Professional Standards Branch
PSR	<i>Police Service Regulation</i>
ISB	Investigative Support Bureau



Professional Standards Branch Values:

Truth, Integrity, Courage, Honour

Introduction from Professional Standards Branch

2016 was a productive year for the Professional Standards Branch and the Edmonton Police Service. PSB continued to conclude a substantive number of complaints and informal concerns in 2016. This was due in a large part to the continued efficiency of Investigations and restructuring of the Intake Section in 2015. Previous bottlenecks of files awaiting review/disposition at the Investigative Manager and Inspector levels have been resolved.

The EPS saw a significant decrease in the number of internally generated complaints again in 2016. Formal complaints made by members of the public increased moderately by 11% as compared to 2015. Overall, public contact with PSB, including both formal complaints and informal concerns, increased by 17% relative to 2015.

The goal for 2017 is to maintain or increase the current pace of investigating and concluding files. The desired goal is to complete 75% of formal complaints within six months of receiving the complaint. We are also addressing a backlog of stale investigations in an effort to relieve pressures on our investigative team and provide closure to the complainants. The elimination of these investigations will create investigative efficiencies, allowing us to attain our goal to complete 75% of formal complaints within six months. PSB managers and investigators will be pro-active in 2017 with our divisional management teams and front line officers in an effort to reduce the number of complaints we receive. A number of initiatives have been or will be developed to inform the membership of common trends and/or concerns we are experiencing.

Executive Summary

The Professional Standards Branch of the Edmonton Police Service is responsible for investigating all complaints regarding the conduct of sworn members of the EPS, with the exception of the Chief of Police, and for complaints regarding the policies and services provided by the EPS.

In 2016, Professional Standards Branch opened 1,247 files. These 1,247 files were comprised of 224 formal complaints and 1,023 concerns brought forward for resolution outside the formal complaint process. Of the 224 formal complaints, 163 were made by citizens outside the EPS and 61 were made by members internal to EPS (as compared to 147 public complaints and 113 internal complaints received in 2015).

Although the 247 complaints represent a 14% decrease in formal complaints as compared to 2015, the number of publicly generated formal complaints increased by 11%. Moreover, the decrease of internally generated complaints was partially due to the high volume of complaints generated in response to the 2015 ASIRT investigation regarding EPS officers using and/or trafficking in a controlled substance (i.e. use and/or trafficking of steroids).

During 2016, PSB concluded 1,241 files, fewer than the 1,397 files concluded in 2015; however, this was a noteworthy increase over the 922 files concluded in 2014. This included the completion of 230 formal complaints, 1011 informal concerns and 25 statutory complaints (criminal investigations).

PSB continues to work to resolve matters through informal resolution processes where possible as this has proven to be an effective way to satisfy the concerns of the public and meet the needs of our officers. Informal resolution takes many forms including supervisor reviews, facilitated discussions and formal mediations. In 2016, the Alternative Dispute Resolution initiative was responsible for completing 11 mediations and 5 facilitated discussions. In addition, 20 formal complaints were successfully concluded by supervisory review. PSB will continue to focus on the informal resolution process throughout 2017.

Finally, the number of compliments received by the EPS in 2016 totalled 216. The total number of compliments received in 2016 is higher than the number of publicly generated formal complaints received during the same period.

1. The EPS and the Community¹

The EPS		The City of Edmonton	
Employees:	2,603	City Population:	899, 447
Sworn:	1,804	Officers per 1,000 Population:	2.01
Non-sworn:	799		

¹ EPS 'Employees' represents the number of authorized Full Time Employees in 2016. City of Edmonton population based on 2016 Municipal Census.

2. Professional Standards Files Generated in 2016

PSB uses a number of different classifications for their files. All contacts to PSB generate a “file”. Contacts will either be classified as a “complaint” if they meet the requirements of the Police Act or a “concern” if they do not meet the requirements of the Act. In this Report, “concerns” are referred to interchangeably as “concerns”, “citizen contacts” or “informal files”. Criminal investigations conducted by PSB are referred to as “Statutory Complaints”. For further explanation please see the Addendum to this Report.

During 2016, the EPS dispatched officers to 163,168 calls for service. As a result of these calls, along with a multitude of other interactions with the community, 1,247 inquiries were made to PSB regarding the service or conduct of the organization or its members during 2016. Additionally, of the files opened in 2016, 224 (18%) were classified as complaints under the criteria provided in the *Police Act*. The remaining 1023 (82%) files were classified as informal Citizen Contacts or EPS Matter files. The following table provides some context for these numbers.

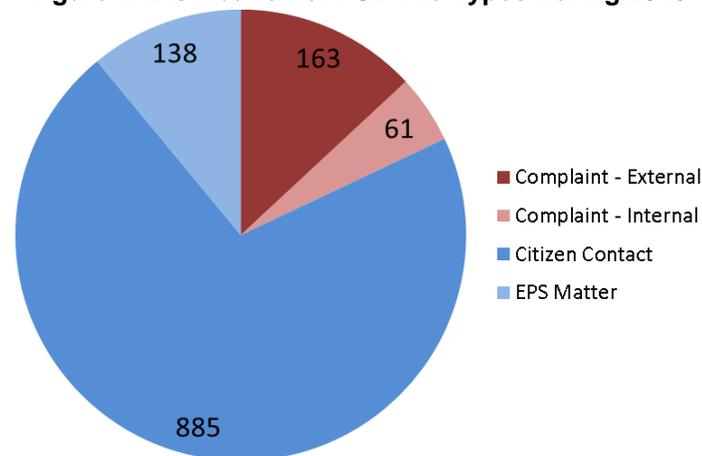
Table 1: Five-Year Comparison of File Rates as a Function of Dispatched Calls for Service

	2012	2013	2014	2015	2016
Dispatched calls	140,518	147,315	152,002	164,877	163,168
Total PSB files opened	1,075	1,044	1,085	1,160	1,247
Rate per 10,000 dispatched calls	77	71	71	70	76
PSB Complaints opened	218	216	247	260	224
Rate per 10,000 dispatched calls	16	15	16	16	14

As was the case over the past five years, less than 0.2% of all calls for service dispatched for police response in 2016 resulted in a formal complaint being made. It is important to remember that many more contacts occur between police members and the community than are captured as the initial response to a call for service. As such, if the complaint rate is considered to be a function of all interactions (recorded and non-recorded), the rate of formal complaints is likely much lower than 0.2%.

Comparing the number of files generated over the last five years, a relatively steady relationship between the number of calls for service and the number of files opened is observed. In 2016 however, the rate of complaints per 10,000 dispatched calls decreased slightly relative to the rate in previous years.

Of the 1,247 files opened by PSB in 2016, 1048 (84%) related to concerns raised by members of the public. The remaining 199 concerns (16%) were internally generated concerns. The following figure shows the number and type of files received during 2016. Blue colours represent informal files and red colours represent formal investigations. Lighter shades indicate internally generated files and darker shades indicate externally generated files.

Figure 1: Distribution of PSB File Types During 2016

Comparing the distribution of PSB files over the previous three years (Table 2, below), the number of public complaints (i.e., Complaint – External) was higher than those received in 2015; however, still lower than those received in 2014. In 2016 the number of internal complaints (i.e., Complaint – Internal) displayed a striking 46% decrease relative to 2015; and, was closer to the number of internal complaints received in 2014. The 2015 increase in internal complaints was largely due to a high volume of complaints generated in response to an ASIRT investigation regarding EPS officers using and/or trafficking steroids; a total of 51 internal complaints were opened to investigate and track the allegations against any officer that may have purchased or used a controlled substance.

Table 2: Categorization of Files, 2014-2016

Type of File	Number of Files Received During 2014		Number of Files Received During 2015		Number of Files Received During 2016	
	Count	Percentage	Count	Percentage	Count	Percentage
Complaint – External	185	17%	147	13%	163	13%
Complaint – Internal	62	6%	113	10%	61	5%
<i>Statutory Complaint²</i>	19	2%	19	2%	7	1%
Citizen Contact	751	68%	764	66%	885	71%
EPS Matter	87	8%	136	12%	137	11%
Total	1,085		1,160		1,247	

2.1 Formal Complaints Received by PSB in 2016

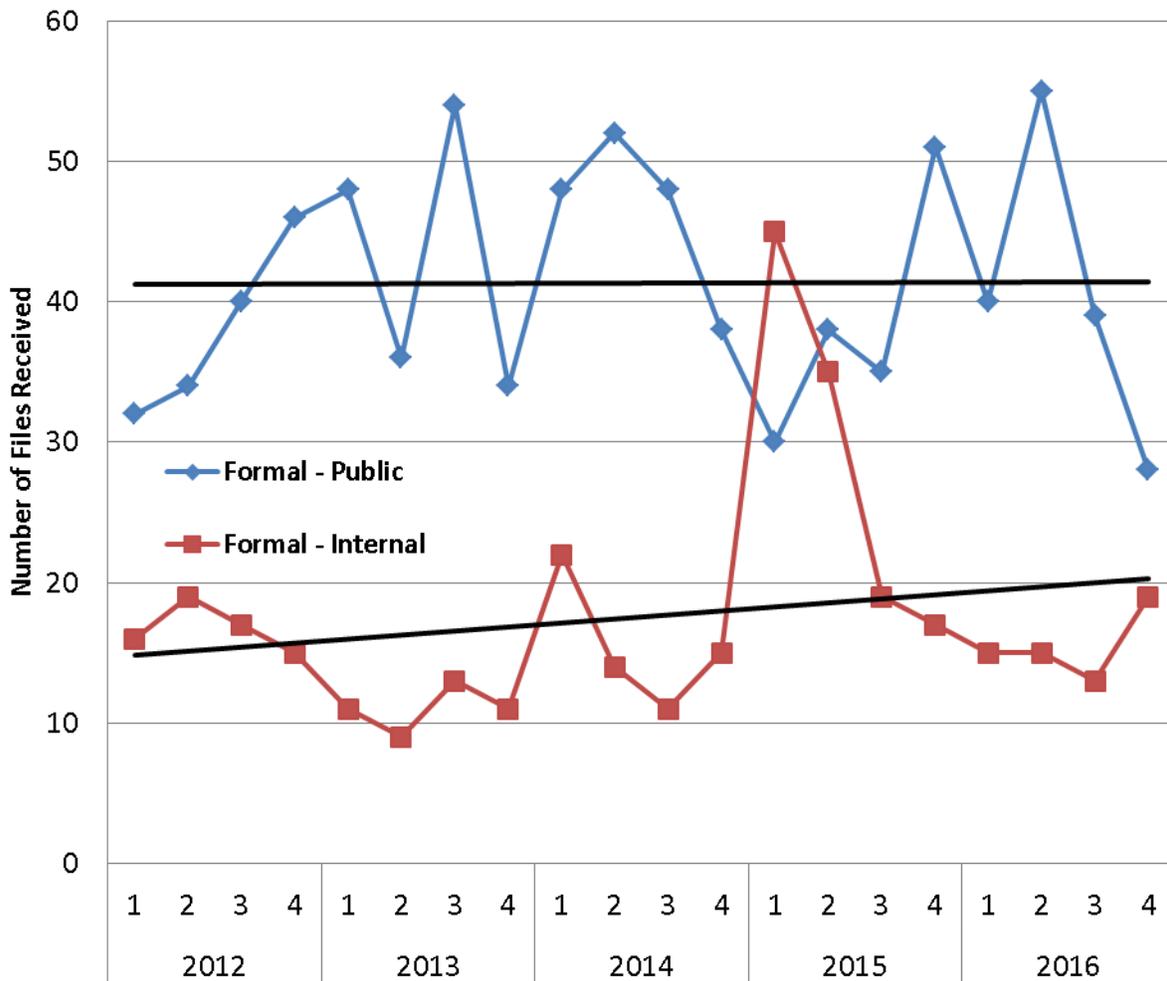
As seen in Figure 2, below, publicly generated complaints (blue line) have shown a decreasing trend over the past five years. In 2012 PSB received an average of 38 public complaints per quarter and an average of 17 internal complaints per quarter for the same year. This is in

² “Statutory Complaints” represent a duplication of “Complaint” files (i.e., all files classified as a “Statutory Complaint” have a corresponding “Complaint – External” or “Complaint – Internal” for allegations of misconduct under the *Police Service Regulation*). For this reason, the number of active “Statutory Complaints” is not represented in the sum total.

comparison to 2016 wherein PSB received an average of 40 public complaints per quarter and 15 internal complaints per quarter in the same year.

As stated above, the 2015 increase in internal complaints is related to the large number of files generated in response to allegations of steroid use and/or trafficking by EPS members. If the complaints related to steroids are excluded from analysis, the number of internally generated complaints is consistent with previous years (i.e. an average of 16 internal complaints per quarter, which is equal to values seen in 2014).

Figure 2: Five-Year Trend of Public and Internal PSB Investigations

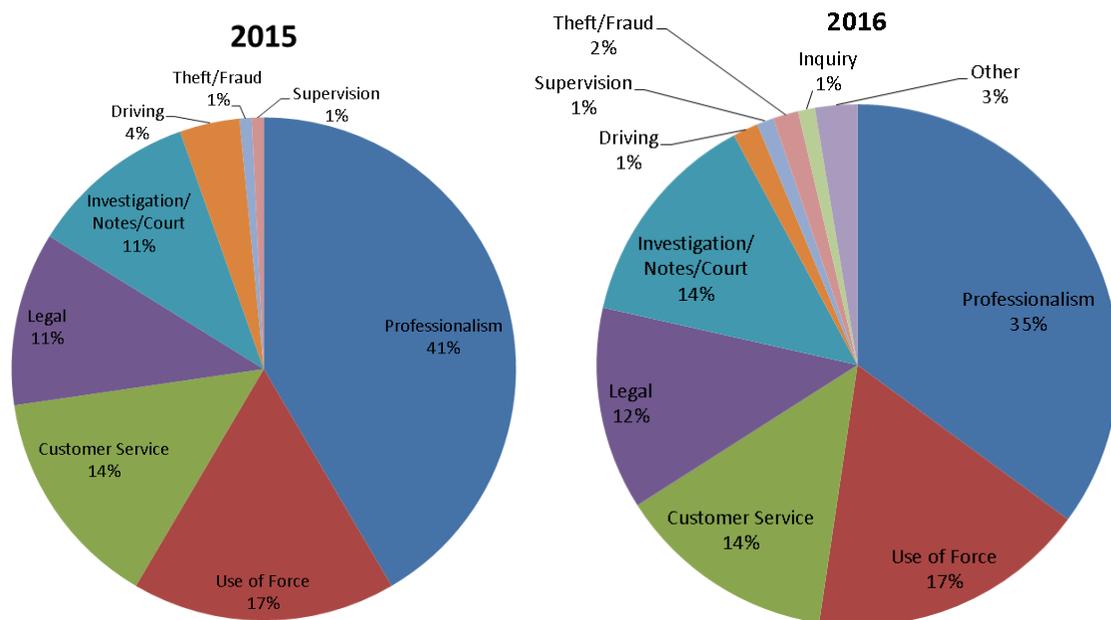


2.1.1 Causes of Complaints Received in 2016

For each file received, PSB classifies the file in order to capture data about the specific causes of concern. This process is intended to assist the organization in better identifying the trends of behavior or conduct that contribute to concerns and complaints. Figure 3, below, shows the principal causes of complaints in 2015 and 2016.

The professionalism of officers remained the highest cause for complaints in 2016. This includes complaints about rudeness and harassment. Additionally, deceit³ is classified as a complaint of professionalism, as well as the complaints regarding steroid use, which accounts for the increase in the proportion of complaints regarding professionalism in 2015.

Figure 3: Principal Causes of Formal Complaints in 2015 and 2016



2.2 Statutory Complaints Initiated During 2016

Criminal investigations, labeled as “Statutory Complaints,” are dealt with separately from *Police Act* complaints; that is, a single incident could result in the creation of both a Complaint (dealing with misconduct as defined by the *Police Service Regulation*) and a Statutory Complaint (dealing with criminal allegations). Thus, the number of Statutory Complaints should not be considered as additional to the number of Complaints, but rather as a duplication of a subset of the Complaints. Statutory Complaints are initiated once the Chief of Police directs that a criminal investigation is to be conducted. This may occur initially when the complaint is received, or, after some preliminary investigative work has been conducted on an associated PSR Complaint. In 2016, 20 criminal investigations were initiated regarding the conduct of officers. Of those, 14 investigations were related to a complaint received during 2015 and the remaining 6 were related to complaints received during 2016.

2.3 Informal Files Received by PSB in 2016

As shown in Table 2, above, the number of informal files increased from 900 files in 2015 (including 764 Citizen Contact files and 136 internal EPS Matter files) to 1022 files in 2016 (including 885 Citizen Contact files and 137 internal EPS Matter files). There was a slight

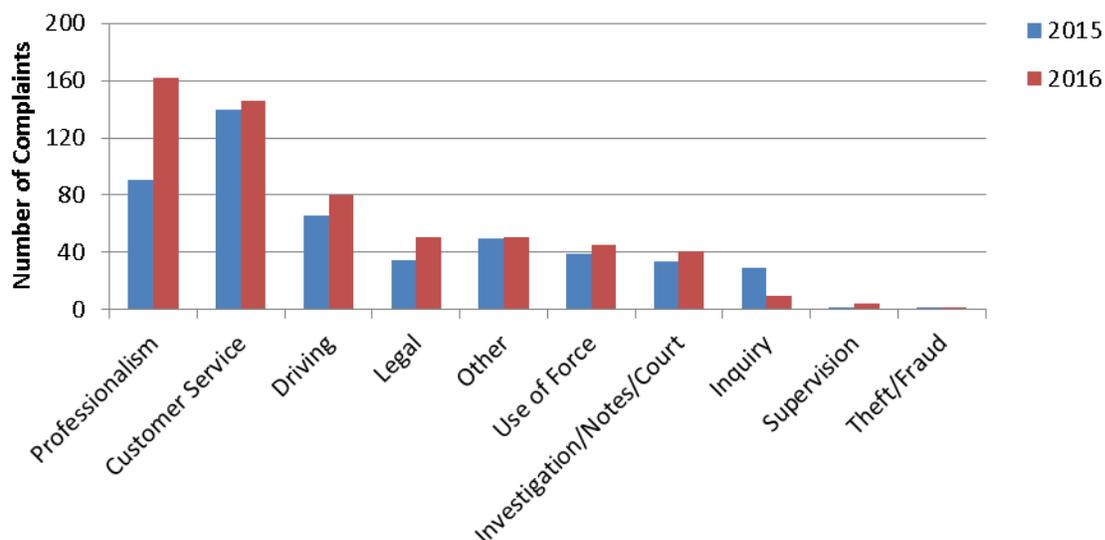
³ Complaints categorized as ‘deceit’ account for less than 4% of all complaints.

increase in the proportion of informal files in 2016, relative to 2015; that is, informal files accounted for 77.6% of PSB's total files in 2015 and 82.0% of PSB's total files in 2016.

2.3.1 Types of Informal Files Received in 2016

Informal concerns and inquiries are often more difficult to classify than formal complaints in terms of the primary cause of contact. As seen in Figure 4, below, the majority of informal files receive a primary classification of "Officer Professionalism", which includes, but is not limited to; rudeness, harassment, swearing, and lack of empathy.

Figure 4: Principal Causes of Informal Files in 2015 and 2016



The majority of informal concerns and inquiries (excluding those classified as "Professionalism") are primarily about customer service (including refusal to lay charges, lack of police response, inappropriate police response, dissatisfaction with tickets/charges, and communication) and driving (including speed, emergency equipment, parking, dangerous/rules of the road, and vehicle collisions).

2.4 Distribution of PSB Files

In order to develop effective intervention and prevention strategies that best assist members in avoiding conduct that could lead to concerns or complaints, it is important for the EPS to analyze which groups are most likely to be the subject of a PSB file.

Community Policing Bureau (CPB) officers provide the first-line response to the majority of calls for service. As such, the number of interactions they have with the public tends to be higher than those officers employed within other areas of the service. 2015 marked a change for the Community Policing Bureau as the Division boundaries were redrawn to include a sixth division. The launch of Northwest Division was in response to three factors: the growing size of the city,

an imbalance in the workloads currently facing each Division, and the increased spans of control that supervisors in patrol divisions are dealing with.

Files that are not generated within the CPB divisions are typically generated by the specialized units within the Investigative Support Bureau (ISB) that have a high level of interaction with the public. These include areas within Operational Support Division such as Police Communications Branch, Traffic Services Branch, Canine/Flight Operations Section, and Tactical Section. The “Other” row in Table 3, below, refers to files generated by areas such as Legal and Regulatory Services (including PSB), the Office of Strategy Management, Supernumerary Positions and the Chief of Police⁴.

There are some files that cannot be defined as having been generated by any particular division or area; these can include files where the complaint is about policy or services provided by the EPS generally, and many Citizen Contact files. A large portion of Citizen Contact files (40%) are classified in either the “Other” category, which includes sub-categories such as “Unresponsive Complainant” and “Comments/Opinion,” or the “Inquiry” category.

Table 3: Distribution of PSB Files across Bureaus and Divisions

	Complaint	Citizen Contact	EPS Matter	Disp Calls
Community Policing Bureau				
Downtown	38	75	14	26,928
Northeast	17	63	10	28,694
Northwest	15	66	14	26,272
Southeast	23	60	7	25,952
Southwest	21	60	23	29,243
West	20	61	11	26,079
Co-ordinated Policing	10	1	2	
Recruits	0	0	2	
CPB Total Files	144	386	83	163,168
Investigative Support Bureau				
Criminal Investigations	14	10	1	
Operational Support	23	83	13	
Spec Investigation	7	13	11	
ISB Total Files	44	106	25	
Corporate Services Bureau				
Human Resources Div	2	1	1	
Informatics Div	0	0	1	
Supply Services	1	2	2	
CBS Total Files	3	3	4	
Other/Unspecified	24	358	21	
Grand Total	215	853	133	

⁴ As per section 46 of the PA, formal complaints regarding the Chief of Police are referred to the EPC; however, PSB may track informal files relating to the Chief of Police or members in the Office of the Chief.

3. Professional Standards Files Concluded in 2016

During 2016, PSB concluded 1241 files, a slight decrease from 1397 in 2015. This included the resolution of 910 files opened during 2016, with the remainder of the files (331) being from previous years. The *Police Act* requires that complaints are investigated promptly and thoroughly. Fairness to all parties requires that these complaints also be investigated in as timely a fashion as possible. This ensures that the best evidence is available and allows people to move on with their lives and careers without undue pressure or stress associated with a drawn-out investigative process.

3.1 Resolution of Formal Complaints

In 2016, there were fewer complaints sustained relative to 2015. As seen in Table 4, in the majority of sustained complaints the Chief of Police was of the opinion that the alleged misconduct was not of a serious nature (see section 45(4) of the *Police Act* and section 19 of the *Police Service Regulation*). These are often referred to as Minor Contraventions.

Table 4: Disposition of Complaint Files Concluded by PSB During 2014-2016

	2014	2015	2016
Formal Resolutions			
Reasonable Prospect (at hearing) - Proven	11	16	12
Reasonable Prospect (at hearing) - Not Proven	1	3	3
No Reasonable Prospect	85	139	101
Minor Contravention	27	58	36
Dismissed/Withdrawn*	32	62	43
Informal Resolutions			
Supervisory Review	24	22	20
Resolved through PSB	3	2	0
Mediation or Facilitated Discussion	11	15	16

*Please Note: Dismissed/Withdrawn can include the following dispositions: Dismissed – 1 year 43(11), Dismissed - Frivolous/Vexatious/Bad Faith s. 43(7), Dismissed – Extension Not Granted, Dismissed – No Hearing PSR 19(1)(a)(i), Dismissed - Loss of Jurisdiction: Member retired/resigned, Withdrawn by Service – No Hearing, Withdrawn by Complainant.

A total of 230 formal complaints (not including Statutory Complaints, which are addressed in section 3.2) were concluded during 2016. Those files contained a total of 1,078 allegations of misconduct by police officers and 20 allegations regarding the policies or services provided by the EPS. Those allegations and their outcomes are detailed in Table 5, below.

Table 5: Outcome of Allegations Concluded During 2016

Disciplinary Hearings			
	Sustained	Not Sustained	Total
Breach of Confidence	0	1	1
Deceit	1	3	4
Discreditable Conduct	11	0	11
Insubordination	2	0	2
Neglect of Duty	3	1	4
Unlawful/Unnecessary Exercise of Authority	0	5	5
<i>Disciplinary Hearing Total</i>	17	10	27
Minor Contraventions and Informal Resolutions			
	Minor Contravention	Informal Resolution	Total
Breach of Confidence	0	0	0
Deceit	3	0	3
Discreditable Conduct	24	24	48
Insubordination	18	0	18
Neglect of Duty	7	11	18
Unlawful/Unnecessary Exercise of Authority	11	9	20
Deficient Policy or Services (s. 44 PA)	1	2	3
<i>Minor Contravention / Informal Total</i>	64	46	110
Not Sustained, Dismissed, or Withdrawn			
	Not Sustained	Dismissed / Withdrawn	Total
Breach of Confidence	2	0	2
Corrupt Practice	2	0	2
Deceit	36	5	41
Discreditable Conduct	216	42	258
Insubordination	25	5	30
Neglect of Duty	160	21	181
Unlawful/Unnecessary Exercise of Authority	402	28	430
Deficient Policy or Services (s. 44 PA)	16	1	17
<i>Not Sustained, Dismissed, Withdrawn Total</i>	859	102	961

3.2 Resolution of Statutory Complaints

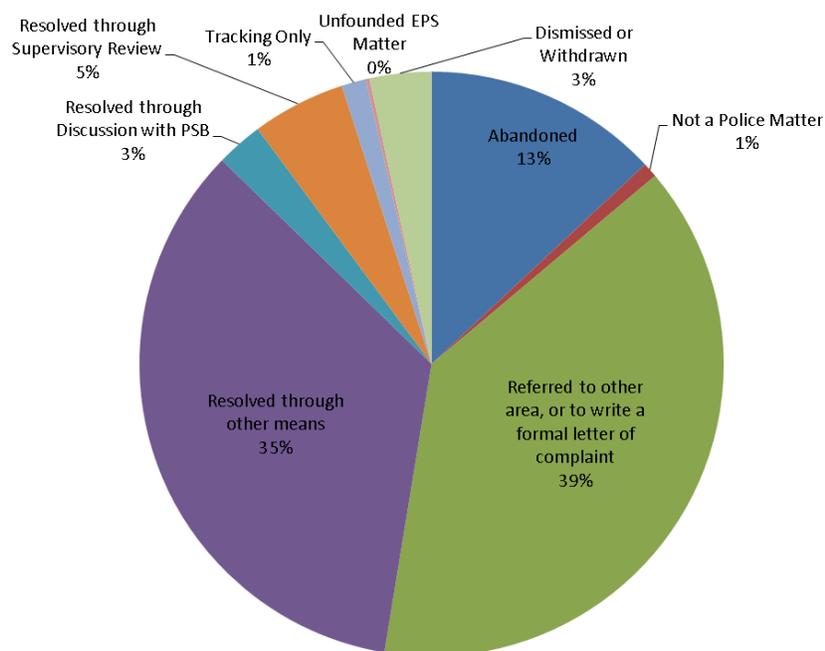
During 2016, PSB concluded 25 criminal investigations. Criminal charges were laid in 5 of the 25 investigations. For one file, the criminal investigation did not proceed and it was concluded as Withdrawn by Complainant. The 25 criminal investigations included a total of 40 criminal allegations. Table 6, below, details the criminal allegations and their outcomes.

Table 6: Outcome of Criminal Allegations Concluded During 2016

Allegation	Total # of Allegations	Not Substantiated	Conviction / Outcome
Assault Causing Bodily Harm, Assault with Weapon, Assault (CCC 266, 267)	26	23	2 – Conditional Discharge 1 – Charge Withdrawn
Forcible Confinement (Kidnapping) (CCC279)	1	1	
Fraud (CCC 380)	2	2	
Obstruction of Justice (CCC 139)	3	3	
Theft (CCC 332, 334)	3	0	1 – Absolute Discharge 2 – Alternative Measures
Utter Threats (CCC264.1)	4	4	
Other	1	1	

3.3 Resolution of Informal Files

In 2016, PSB resolved 966 informal concerns or inquiries. On average, files were resolved in approximately two months. The breakdown of the resolutions is shown in Figure 5, below.

Figure 5: Resolutions of Informal Concerns and Inquiries During 2016

3.4 Complaints Directed to Disciplinary Hearings in 2016

In 2016, a total of 15 complaints were directed to disciplinary hearings by the Chief of Police. In three internal complaints, the subject officer declined an agreement pursuant to section 19(1) (b) of the *Police Service Regulation*; therefore, these allegations were then sent to Disciplinary Hearing by the Chief of Police. Of the 15 complaints, 11 have been completed through disciplinary hearings, and four are still pending.

3.5 Discipline Ordered During 2016

13 complaints, including 18 allegations, were concluded through disciplinary hearing during 2016. Four of those allegations were withdrawn at hearing and one was dismissed due to a loss of jurisdiction given member resigned/retired, and are not included in Table 7, below.

Table 7: Discipline Resulting from Disciplinary Hearings Concluded During 2016

Allegation	Total # of Allegations	Not Sustained	Sustained	Penalties Applied
Breach of Confidence	0	0	0	
Deceit	1	0	1	Reduced in seniority within rank for a period equivalent to 40hr Suspension Without Pay
Discreditable Conduct	12	1	11	Suspension Without Pay* (avg. 51h) Reduction in seniority within rank Directed Professional Counseling
Insubordination	3	0	3	Reprimand Suspension Without Pay* (avg. 35h)
Neglect of Duty	3	0	3	Reprimand Suspension Without Pay* (avg.22.5h)
Unlawful or Unnecessary Exercise of Authority	8	3	0	

* Penalty was applied as a global penalty for multiple allegations.

35 complaints were concluded as minor contraventions, with discipline applied as per section 19(1) of the *Police Service Regulation*. This included 55 allegations against a total of 58 officers.

Table 8: Discipline Resulting from Minor Contraventions During 2016

Allegation	Total # of Allegations	Penalties Applied
Deceit	4	Suspension Without Pay (avg. 12.5h)
Discreditable Conduct	25	Suspension Without Pay (avg. 25h) Official Warning Reprimand Procedural Review Supervisor Review
Insubordination	16	Suspension Without Pay (avg. 13h) Official Warning Reprimand Directed Supervisory Review
Neglect of Duty	7	Suspension without Pay (avg. 15h) Official Warning Procedural Review
Unlawful / Unnecessary Exercise of Authority	3	Suspension without Pay (avg. 20h) Supervisory Review

4. Compliments

Along with ensuring that the highest standards of professionalism and conduct are maintained by EPS members, PSB also receives a number of compliments on the performance of organizational members. In 2016, EPS received 216 compliment files from citizens of the community.

These compliments referenced a total of 337 members, with 53 members receiving multiple compliments over the course of the year. Passing on these compliments to the hard-working members of the EPS allows PSB and command teams to reinforce positive behaviours and conduct. It also serves to remind members that the citizens of Edmonton appreciate the efforts being made on their behalf. The following table describes the distribution of citizen-generated compliments.

Table 9: Compliments Received by the EPS During 2016

	Number of Compliments	Total Involved Officers
Community Policing Bureau		
Downtown	31	51
Northeast	17	53
Northwest	17	24
Southeast	26	38
Southwest	25	44
West	21	36
Co-ordinated Policing	3	4
Recruits	0	0
<i>CPB Total Files</i>	140	250
Investigative Support Bureau		
Criminal Investigations	14	14
Operational Support	17	32
Spec Investigation	16	18
<i>ISB Total Files</i>	47	64
Other	17	23
EPS (General)	12	12
<i>Grand Total</i>	216	349